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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,126	04/14/2004	Gian De Belder	CM2737M	6441

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THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
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EXAMINER	
WEBB, GREGORY E	

ART UNIT	PAPER NUMBER
1796	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/824,126	DE BELDER ET AL.	
	Examiner	Art Unit	
	Gregory E. Webb	1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12/19/08*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21,24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21,24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment/Arguments

1. Applicant's arguments filed 12/19/08 have been fully considered but they are not persuasive.

2. The applicant argues the prior art fails to teaches or suggest the following: a) a separate fragrance delivery system; b) prolonged fragrance delivery in addition to a bowl cleaning composition; c) there is no motivation to devise a separate fragrance delivery component; and d) the prior art fails to teach either filmed recess release or electrical release of the fragrance.

3. Concerning the prolonged fragrance delivery to the atmosphere as well as the recessed release of the perfume, Leonard '564 teaches the use of capillary channel dispensing which would inherently read on a recess release. Leonard further teaches long term release of the perfume to the atmosphere as can be seen in the following:

> "The use of the capillary dispensing method implemented by the liquid dispenser 10 in accordance with the invention provides for delivery of a linear and consistent amount of liquid formula to the flush water. One embodiment of the liquid dispenser is designed to last between 300 and 450 flushes, providing consistent foaming, cleaning, disinfecting and fragrancing at each flush, from the first flush to the last flush. It has been discovered that the use of capillary channels on the dispensing plate is very significant in delivering a steady level of

fragrance between flushes as the surface area for the capillary channels insures that adequate fragrance is delivered to the atmosphere after each flush."

4. In the Leonard '380 reference two separate components are used to treat the surface of the toilet bowl. The first being a liquid delivery system similar to that described in the '564 reference. The second being a solid delivery system which slowly dissolves and releases the treatment composition to the bowl. These two compositions are mixed and delivered to the bowl.

5. Although Leonard fails to teach perfumes in the solid composition, Leonard does demonstrate the use of a dual delivery system. This in conjuction with the teaching from the '564 reference demonstrates it was well known to deliver long term fragrances to the atmosphere and it was also well known to use a dual delivery system.

6. Finally the Purzycki '671 reference demonstrates that a solid gel block can also be used to deliver a fragrance. Thus at the time of filing, Leonard and Purzycki were both aware of dual delivery of compositions as well as the delivery of fragrances in either a solid or liquid form.

7. Although no single reference teaches each of the components required by the instant invention, the examiner maintains that the individual components where well known at the time of filing and that the combination of each of these individual components is well within the ordinary skill of one familiar with the common problem of bathroom odors.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-21, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leonard et al (US 6,178,564) and further in view of Leonard et al (US 6,662,380)

and further in view of Purzycki (US 4,666,671) and further in view of Redford (US 5,210,884).

5. Leonard'564 teaches a liquid dispenser for dispensing a liquid from the rim of a toilet bowl in a controlled and consistent manner. Figure 1 clearly shows the support structure, the dispensing means, rim attachment means, and the container holding a liquid.

6. Specifically concerning the dispensing means and the attachment means, Leonard'564 teaches the following:

> "In a preferred form of the second version of the invention, the liquid dispenser is suitable for dispensing a liquid from the rim of a toilet bowl. In this form, the suspension means comprise a suspension hook and a guide channel integral with the base. The suspension hook has an upper end hook portion that is placed over the toilet rim and a lower end that is slidably inserted in the guide channel such that the lower end of the suspension hook engages an inner surface of the guide channel thereby suspending the base and the bottle under or adjacent the toilet rim. In this preferred form, the dispensing plate is suitable to be upwardly inclined with respect to an inner surface of the toilet bowl when the liquid dispenser is installed on the rim of the toilet bowl, and the lower plate is also suitable to be upwardly inclined with respect to an inner surface of the toilet bowl when the liquid dispenser is installed on the rim of the toilet bowl. The spacing between the upper surface of the dispensing plate and the lower plate of the base varies along the length of the dispensing plate such that a first spacing between the edge of the lower plate nearest the inner surface of the toilet bowl and the edge of the dispensing plate nearest the inner surface of the toilet bowl is less than a second spacing between the edge of the lower plate furthest from the inner surface of the toilet bowl and the edge of the dispensing plate furthest from the inner surface of the toilet bowl. The dispensing plate may also include a deflector secured to an edge of the dispensing plate. The deflector is dimensioned so as to be suitable to contact an inner surface of the toilet bowl when the liquid dispenser is installed on the rim of the toilet bowl. When the toilet is flushed, a portion of the flushing water contacts a dispensing position on the upper surface of the dispensing plate thereby washing the liquid into the flush water." (*emphasis added*)

Concerning the fragrance and the flush water and means of dispensing, Leonard'564 teaches the following:

> The use of the capillary dispensing method implemented by the liquid dispenser 10 in accordance with the invention provides for delivery of a linear and consistent amount of liquid formula to the flush water. One embodiment of the liquid dispenser is designed to last between 300 and 450 flushes, providing consistent foaming, cleaning, disinfecting and fragrancing at each flush, from the first flush to the last flush. It has been discovered that the use of capillary channels on the dispensing plate is very significant in delivering a steady level of fragrance between flushes as the surface area for the capillary channels insures that adequate fragrance is delivered to the atmosphere after each flush. (*emphasis added*)

Concerning the plastic material, Leonard'564 teaches the following:

> At the bottom of the base 24, there is a liquid dispensing plate 40 that assists in distribution of the liquid formula into the flush water. The dispensing plate 40 may be a separate component that is attached to the base or may be formed integral with the base 24. The dispensing plate 40 is preferably formed from a non-porous thermo**plastic material** such as pigmented **polyethylene** or **polypropylene**. (*emphasis added*)

7. Leonard'564 fails to teach a liquid dispensing system in combination with a fragranced gel type fragrance dispensing system.

8. Although Leonard does not teach the combination of features, such features were known at the time of the instant invention.

9. In Leonard'380, a dual system exists where both a liquid and solid are dispensed into the flush water (see abstract). Leonard'380 further teaches the wicking delivery system the rim attachment.

10. Leonard teaches various material that may be used in forming the solid dissolvable cleaning product including bleaching agents, gelling agents. Leonard further addresses the need for a device that can dispense quantities of cleaning and freshening liquid both during and after a flush (see col. 2, lines 22-40).

11. The two Leonard references fail to teach the specific gel state and the use of terpenes as a fragrance.

12. Purzycki also teaches rim blocks and specifically teaches gelled solid blocks. Purzycki also teaches the use of terpenes as a common fragrance as well as dispensing the fragrance during flushes.

Concerning the lavatory bowl, toilet bowl rim and the fragrance, Purzycki teaches the following:

> The **solid gel urinal and toilet bowl rim blocks** of this invention have several advantages over the sublimable blocks or the molded surfactant blocks described in the prior art. The gels of this invention can perform for up to thirty days or longer continuously emitting a pleasant fragrance while at the same time releasing other active ingredients into the toilet bowl or urinal. Another advantage is that the fragrance used need not be overwhelming in order to cover over undesirable odors due to volatile materials such as para-dichlorobenzene. The fragrance used can provide a delicate and pleasant odor more suitable and desirable for the lavatory or bathroom. A third advantage is that the release of the fragrance and the other active ingredients is controlled and quite linear over about thirty days and there is no rapid decline of effectiveness with time. (*emphasis added*)

Concerning the terpene, Purzycki teaches the following:

> The fragrance in the gel of this invention can be **any conventional commercially available perfume oil**. These are complex mixtures of volatile compounds including: esters, ethers, aldehydes, alcohols, unsaturated hydrocarbons, **terpenes** and other ingredients which are well known to those skilled in the art of perfumery. Their use as to type and proportion is limited only by their compatability and preference in the gel matrix. It is one of the advantages of this invention that a wide variety of fragrance components are compatible with the gel system and one can choose from a wide variety of fragrances. (*emphasis added*)

Concerning the flush water, Purzycki teaches the following:

> A preferred container for toilet bowls will **divert a portion of the flush water and allow a portion to come in contact with the gel**. There should also be provision for the active ingredients to escape. The container can be manufactured out of any suitable material and should provide a holding device which positions the container under the rim in the stream of flushing water. (*emphasis added*)

13. Although the Purzycki and Leonard references fail to teach the use of an electrical delivery system, such systems were also well known at the time of filing.

14. Redford teaches environmental controlled toilets and teaches delivery systems using electrical pumps and detectors as can be seen in fig. 21. Redford teaches the benefit of such a system to avoid embarrassment and provide a pleasant environment (see col 13, lines 1-24).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory E. Webb whose telephone number is 571-272-1325. The examiner can normally be reached on 9:00-17:30 (m-f).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory E. Webb/
Primary Examiner, Art Unit 1796

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gew